IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff, : CRIMINAL ACTION

v. : NO. 08-201-3

:

DENNIS BURNETT, :

Defendant. :

ORDER

AND NOW, this 29th day of May, 2015, upon consideration of Defendant Dennis Burnett's Hazel Atlas/Independent Action in Equity Based on Fraud Upon the Court (Docket Nos. 281, 283) and Mr. Burnett's Motion for Leave to Proceed *in forma pauperis* (Docket No. 282), it is hereby **ORDERED** that:

- Mr. Burnett's Hazel Atlas/Independent Action in Equity Based on Fraud Upon the
 Court (Docket Nos. 281, 283) is construed as a motion to vacate, set aside, or correct
 a federal sentence under 28 U.S.C. § 2255 and is **DISMISSED without prejudice** for
 lack of subject matter jurisdiction;
- 2. The motion is **TRANSFERRED** to the United States Court of Appeals for the Third Circuit, pursuant to 28 U.S.C. § 1631, as an application to file a second or successive § 2255 motion;
- 3. Mr. Burnett's Motion for Leave to Proceed *in forma pauperis* (Docket No. 282) is **DEEMED moot**.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge